

ELLEN F. ROSENBLUM
Attorney General
CARLA A. SCOTT #054725
Senior Assistant Attorney General
SHEILA H. POTTER #993485
Deputy Chief Trial Counsel
CRAIG M. JOHNSON #080902
Senior Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Carla.A.Scott@doj.state.or.us
Sheila.Potter@doj.state.or.us
Craig.M.Johnson@doj.state.or.us

Attorneys for Defendants James Schroeder and Dolores Matteucci

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

JAMES SCHROEDER, in his official capacity
as head of the Oregon Health Authority, and
DOLORES MATTEUCCI, in her official
capacity as Superintendent of the Oregon State
Hospital,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY CENTER
FOR BEHAVIORAL HEALTH LEGACY
HEALTH SYSTEM, PEACEHEALTH, and
PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)
Case No. 6:22-CV-01460-MO (Member Case)

UNOPPOSED MOTION FOR EXTENSION
OF TIME TO DISCHARGE PATIENTS

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, JAMES SCHROEDER, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:21-cv-01637-MO (Member Case)

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

JAMES SCHROEDER, in his official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 6:22-CV-01460-MC (Member Case)

CERTIFICATE OF CONFERRAL

Pursuant to Local Rule 7-1(a)(1)(A), counsel for Defendants conferred with Plaintiffs' counsel and Intervenors' counsel regarding this motion. They do not oppose this motion.

MOTION

On September 1, 2022, this Court entered an Order at ECF No. 271 that limits the length of inpatient restoration at the Oregon State Hospital (OSH) for a person ordered committed to OSH pursuant to ORS 161.370 as follows:

- For patients whose most serious charge is a misdemeanor, the maximum duration of commitment for restoration shall be the lesser of the maximum permissible sentence for the underlying offense or 90 days;
- For patients whose most serious charge is a felony, the maximum duration of commitment for restoration shall be six (6) months, unless the felony is listed in ORS 137.700(2) (Measure 11 Crimes), in which case the maximum duration of commitment for restoration shall be one year.
- Patients admitted to OSH on or before September 1, 2022, who have exceeded the length of restoration set forth in this Court's Order, must be discharged no later than March 15, 2023.

Defendants respectfully move for an order granting up to an additional 60 days (until May 15, 2023) to discharge five patients who were admitted to OSH before September 1, 2022, who have exceeded the length of restoration under this Court's Order. These patients are charged with Measure 11 crimes and are still under active commitment orders pursuant to ORS 161.370. The basis for this request is to allow additional time for the counties and OSH to continue working together to arrange safe and appropriate placements following discharge, which has not yet occurred due to the press of work throughout the system that followed this

Court's September 1 Order. The court-appointed neutral expert Dr. Debra Pinals supports this request.

DATED March 8, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Carla A. Scott

CARLA A. SCOTT #054725
Senior Assistant Attorney General
SHEILA H. POTTER #993485
Deputy Chief Trial Counsel
CRAIG M. JOHNSON #080902
Senior Assistant Attorney General
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Carla.A.Scott@doj.state.or.us
Sheila.Potter@doj.state.or.us
Craig.M.Johnson@doj.state.or.us
Of Attorneys for Defendants